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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING	Docket Number (Optional)
REJECTION OVER A "PRIOR" PATENT	415852001000
In re Application of: Christopher J. BURNS et al.	
Application No.: 10/581,412	
Filed: December 3, 2004 (Int'l)	
For: AZOLE-BASED KINASE INHIBITORS	
The owner*, CYTOPIA RESEARCH PTY LTD , of instant application hereby disclaims, except as provided below, the terminal part of the statutory instant application which would extend beyond the expiration date of the full statutory term of prior as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said p by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant only for and during such period that it and the prior patent are commonly owned. This agrees on the instant application and is binding upon the grantee, its successors or assigns.	r term of any patent granted on the r patent No. 7,259,179 rior patent is presently shortened application shall be enforceable
In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later: expires for failure to pay a maintenance fee;	
is held unenforceable; is found invalid by a court of competent jurisdiction;	
is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate;	
is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently short	ened by any terminal disclaimer.
Further, the owner does not disclaim any right to an extension of the term of any patent issuing from the instant application under 35 U.S.C. §§ 155-156 or adjustment of patent term pursuant to 35 U.S.C. § 154(b) or pursuant to any other subsequently enacted public law or act which provides for extension of term of a patent.	
Check either box 1 or 2 below, if appropriate.	
1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.	
2. X The undersigned is an attorney or agent of record. Reg. No. 29,959	
/Kate H. Murashige/	October 8, 2008
Signature	Date
Kata II. Muyaahiaa	
Kate H. Murashige Typed or printed name	
	(858) 720-5112
	Telephone Number
X Terminal disclaimer fee under 37 CFR 1.20(d) is included.	
*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).	
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.	